

114TH CONGRESS, 2nd SESSION**S. _____**

To amend the Agricultural Marketing Act of 1946 to require the Secretary of Agriculture to establish a national voluntary labeling standard for bioengineered foods, and for other purposes.

IN THE SENATE OF THE UNITED STATES

[Sen. Pat Roberts, R, KS] introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Agricultural Marketing Act of 1946 to require the Secretary of Agriculture to establish a national voluntary labeling standard for bioengineered foods, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL VOLUNTARY BIOENGINEERED FOOD LABELING STANDARD.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle E—National Voluntary Bioengineered Food Labeling Standard**"SEC. 291. DEFINITIONS.**

"In this subtitle:

"(1) BIOENGINEERING.—The term ‘bioengineering’, and any similar term, as determined by the Secretary, with respect to a food, refers to a food—

"(A) that contains genetic material that has been modified through in vitro recombinant deoxyribonucleic acid (DNA) techniques; and

What about miRNA techniques?

"(B) for which the modification could not otherwise be obtained through conventional breeding or found in nature.

"(2) FOOD.—The term ‘food’ has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

"SEC. 292. APPLICABILITY.

"This subtitle shall apply to any claim in the labeling of food that indicates, directly or indirectly, that the food is a bioengineered food or bioengineering was used in the development or production of the food, including a claim that a food is or contains an ingredient that was developed or produced using bioengineering.

"SEC. 293. ESTABLISHMENT OF NATIONAL VOLUNTARY BIOENGINEERED

FOOD LABELING STANDARD.

What is the purpose of *voluntary* labeling of GMOs? They can be voluntarily labeled at any time under current law, without any need for a standard. The only purpose of this is to preempt mandatory labeling.

"(a) ESTABLISHMENT OF STANDARD.—Not later than 2 years after the date of enactment of this subtitle, the Secretary shall—

"(1) establish a national voluntary bioengineered food labeling standard with respect to—

"(A) any bioengineered food; and

"(B) any food that may be bioengineered or may have been produced or developed using bioengineering; and

"(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

"(b) REGULATIONS.—

"(1) IN GENERAL.—A food may be labeled as bioengineered only in accordance with regulations promulgated by the Secretary in accordance with this subtitle.

"(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this subtitle shall—

"(A) prohibit any express or implied claim that a food is or is not safer or of higher quality solely based on whether the food is or is not—

"(i) bioengineered; or

"(ii) produced or developed with the use of bioengineering;

"(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be labeled as a bioengineered food; and

"(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food may be labeled as a bioengineered food.

"(c) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce any requirement for a food that is the subject of the bioengineered food labeling standard under this section that is not identical to that voluntary standard.

"SEC. 294. INFORMATION FOR CONSUMERS.

"(a) EDUCATION.—The Secretary, in coordination with other Federal agencies as appropriate, shall provide **science-based** information, including any information on the environmental, nutritional, economic, and humanitarian **benefits** of agricultural biotechnology, through education, outreach, and promotion to address consumer acceptance of agricultural biotechnology.

This implies that science is on the side of "benefits" of agricultural biotechnology, and that the Secretary should not be required to pass on the preponderance of independent science that for the last decade been demonstrating the damage caused by agbiotech. As such, it amounts to government propagandizing of the American public, which is unlawful.

"(b) MANDATORY REPORT; PUBLICATION.—Not later than 4 years after the date of enactment of this subtitle, the Secretary and the Secretary of Health and Human Services shall—

"(1) submit to Congress a report on the availability of information regarding whether food is or is not bioengineered or whether bioengineering was or was not used in the

development or production of the food, including information provided through—

"(A) any relevant labeling requirements under—

"(i) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

"(ii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

"(iii) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

"(iv) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); and

"(v) other relevant Federal authorities;

"(B) process verified programs; and

"(C) other voluntary programs or claims relating to a food that are not required by Federal law or approved by a Federal program; and

"(2) make the report publicly available.

"Subtitle F—Labeling of Certain Food

"SEC. 295. FEDERAL PREEMPTION.

"(a) DEFINITION OF FOOD.—In this subtitle, the term ‘food’ has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(b) FEDERAL PREEMPTION.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering."

This is transparently intended as a now-emergency measure on the part of industry to prevent the Vermont labeling law from going into effect in July, with an expected "compromise" of a two month delay.

Additional points about GMO labeling worth considering:

1. **64 countries** have required GMO labeling with **no increase in costs**.
2. Campbell's Soup intends to do GMO labeling and **expects no cost increase**.
3. Consumer's Union's studies indicate the maximum expected consumer cost of labeling to be **\$2.30 per person per year**. Compare this with earlier industry claims of \$500/family characterized by the *Washington Post* fact checker as completely bogus; yet in a last minute panic, the Corn Refiners Assn. has upped this already bogus figure to \$1000!
4. USDA ag economists studying potential effects of labeling have found **little negative impact on purchasing patterns**, belying industry concern that labels will be seen as a warning.
5. Given the obvious lack of consumer financial or preference impact, and the well documented >90% consumer desire for labeling ("**right to know**"), the industry is focusing on the "**patchwork of laws**" concern. Obviously, this could be **just as well alleviated by federal mandatory labeling**. So what is the *real* concern of the industry in trying to avoid this?
6. A principal advantages of labeling -- by making possible the comparison of non-GMO- from GMO-eating population groups -- would be the facilitation of epidemiological studies evaluating the long-term chronic health effects (of GMO foods and their accompanying chemicals) that have been demonstrated in numerous well-designed animal feeding studies and supported by biochemical pathway theory. Facilitation of such research by labeling is believed by many scientist to be the principal reason for industry opposition.